

Officials refuse to clear levees of foliage

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In defiance of a federal policy intended to bolster the safety of California levees, some Bay Area legislators, regulators and water agencies said Monday that they refuse to remove shrubs and trees from the banks of numerous creeks and culverts.

They say stripping vegetation from 100 miles of levees around the nine counties would cost millions, ruin scenic byways and damage riparian, or riverbank, ecosystems.

"In California, we've seen our riparian habitat reduced to almost nothing - it's fragmented beyond belief," said Chuck Armor, regional manager of the California Department of Fish and Game. "If this policy is implemented, we're going to see this habitat virtually disappear."

In the wake of the levee failures that destroyed New Orleans following Hurricane Katrina five years ago, the United States Army Corps of Engineers has ramped up its levee safety programs. Though the vegetation rule has been around for decades, in April 2009 the agency released an "engineering technical letter" spelling out that unless granted a waiver, 14,000 miles of levees around the country must be free of foliage, with the exception of grasses. However, the agency has made it clear that waivers will not be meted out easily or quickly.

Danger from toppled trees

The corps argues that in driving wind and rain, trees may topple over, pulling levees with them and unleashing untold storm water into neighborhoods, businesses and roadways. There are about 3,000 miles of levees in California.

"Public safety is our No. 1 priority," said J.D. Hardesty, spokesman for the corps' San Francisco District. "After Katrina, there's more focus on making sure everything is up to proper standards."

Around the Bay Area, 19 creeks, canals and rivers are affected, from Uvas Creek in the South Bay, to the Russian River in the north. Agencies that maintain the levees have until

April to obtain a waiver, Hardesty said. After that, those levees could be decertified and the supervising agencies will be ineligible for federal emergency funds for levee repair. In addition, nearby homeowners could technically find themselves in a newly expanded flood zone that requires pricy flood insurance.

Implementing the clear-cutting policy will cost local jurisdictions millions, they insist. At a news conference Monday in North Richmond, officials pointed to a thick stand of trees and bushes along Wildcat Creek. It would cost \$2 million to bring the area in compliance with federal rules, said Mitch Avalon, deputy director of the Contra Costa Public Works Department and spokesman for a group of Bay Area flood protection agencies.

"I stand before you today at the risk of going to jail," said Avalon.

In a sense, he was only half-joking. On the one hand, Avalon will be in violation of federal policy by declining to chop down trees and bushes. But if crews do fire up their chainsaws, they could be in violation of state and local measures to protect endangered species. Indeed, the Golden Gate Audubon Society said the Bay Area's leafy creeks are important to legions of threatened animals, including the red knot, the clapper rail, nesting osprey, red-shouldered hawk and willow flycatcher as well as the red-legged frog, steelhead and salmon.

Case-by-case evaluation

What's more, they contend that especially among older levees, trees, stumps and roots help stabilize the structures and reduce erosion.

Instead of enforcing a blanket vegetation removal policy for the entire nation, Avalon and others want the corps to evaluate each levee and its ecosystem, age, stability and meaning to the surrounding community. For activist Whitney Dotson, Wildcat Creek is a key piece of the broad effort to restore Richmond's 32 miles of shoreline, much of it lost over the years to industrial development.

And there is yet another reason to flout the vegetation rule, the officials said Monday.

When Wildcat Creek was built for flood control in the 1980s, the Corps of Engineers incorporated trees and bushes into the design after the community rebelled against a bare-bones channel. Nearly three decades later, mature oaks, shrubs and vines stand in stark contrast to piles of rusting cars in an adjacent junkyard.

"I guarantee you in 10 years, the corps will come back and say, 'Replant the trees,' " said Rep. John Garamendi, D-Walnut Grove (Sacramento County).

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/10/12/MNQT1FR969.DTL>

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